

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ARTHUR LEE WINCHESTER,	§	
	§	
Petitioner,	§	
	§	
V.	§	CIVIL ACTION NO. H-09-006
	§	
RICK THALER, DIRECTOR,	§	
TEXAS DEPARTMENT OF CRIMINAL	§	
JUSTICE, CORRECTIONAL	§	
INSTITUTIONS DIVISION,	§	
	§	
Respondent.	§	

ORDER ADOPTING RECOMMENDATION
OF THE MAGISTRATE JUDGE

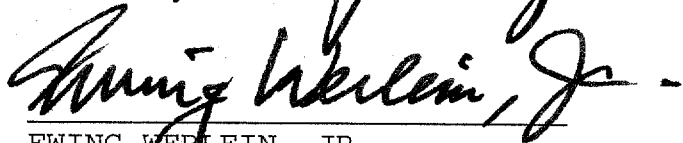
Pending is Respondent's Motion to Dismiss (Document No. 11). The Court has received from the Magistrate Judge a Memorandum and Recommendation recommending that Respondent's Motion to Dismiss be DENIED. Respondent has filed objections (Document No. 23) to the Memorandum and Recommendation. The Court, after having made a de novo determination of Respondent's Motion to Dismiss, Petitioner's Application for Writ of Habeas Corpus, the Memorandum and Recommendation, and Respondent's Objections, is of the opinion that the findings and recommendations of the Magistrate Judge are correct and should be and hereby are accepted by the Court in their entirety. Accordingly,

It is ORDERED and ADJUDGED for the reasons set forth in the Memorandum and Recommendation of the United States Magistrate Judge filed on December 15, 2009, which is adopted in its entirety as the opinion of this Court, that Respondent's Motion to Dismiss (Document No. 11) is DENIED, and Respondent shall file a further

responsive pleading within thirty days after the entry of this Order.

The Clerk will enter this Order and send copies to all parties of record.

Signed at Houston, Texas this 29TH day of January, 2010.

A handwritten signature in black ink, reading "Ewing Werlein, Jr.", written over a horizontal line.

EWING WERLEIN, JR.
UNITED STATES DISTRICT JUDGE